



**"The City With a Heart"**

Larry Franzella, Mayor  
Jim Ruane, Vice Mayor  
Ken Ibarra, Councilmember  
Irene O'Connell, Councilmember  
Chris Pallas, Councilmember

## **MINUTES**

### **CITY COUNCIL REGULAR MEETING**

### **February 8, 2005**

#### **THIS IS TO CERTIFY THAT:**

The San Bruno City Council met in regular session on February 8, 2005, at 1555 Crystal Springs Road (Senior Center). The meeting was called to order at 7:00 p.m.

Mayor Franzella thanked the **San Bruno Garden Club** for providing the beautiful floral arrangement.

- 1. ROLL CALL:** Presiding was Mayor Franzella with Councilmembers Ruane, O'Connell, Ibarra, and Pallas in attendance. Recording by City Clerk Simon.

**PLEDGE OF ALLEGIANCE:** Let by Police Lieutenant Hanlon.

**PRESENTATIONS:** Mayor Franzella presented a 25-year service award and pin to **Police Sergeant Jonathan Burke**. Sergeant Burke thanked the City Council for the recognition.

- 2. REVIEW OF AGENDA:** **Mayor Franzella** stated the City has received a "Threat of Litigation" from a project applicant and a closed session will be needed. Since this information arose after the agenda was posted there is a need for a 4/5<sup>th</sup> vote of the Council to add this item to the agenda. **M/S Ibarra/O'Connell** to add a closed session under new business and passed with a unanimous vote.
- 3. APPROVAL OF MINUTES:** The regular City Council meeting minutes of January 25, 2005, was approved as submitted.
- 4. CONSENT CALENDAR:** All items listed are considered routine or implement an earlier Council action and may be enacted by one motion; there will be no separate discussion unless requested by Councilmember, citizen or staff.
  - a. Approve: Payroll** of January 28, 2005.
  - b. Approve: Accounts Payable** of January 17, and 24, 2005 (Council Packets only, copy is available for review at the City Clerk's office)
  - c. Approve: Amendment to City Attorney employment contract** specifying schedule of termination benefits based on time served in position and clarifying that City Council will determine on an annual basis whether to grant City Attorney discretionary management leave.
  - d. Approve: Adopt resolution** authorizing the acceptance of the Senior Center Repair Project Improvements and filing of notice of completion with the San Mateo County Recorder.

**Mayor Franzella** pulled item 4.d. for Council discussion. **M/S Ruane/Pallas** to approved the remainder of the consent calendar and passed with a unanimous vote.

**4.d. Mayor Franzella** pulled this item to inform the public that the work has been completed and requested the City Attorney give a report on our efforts for cost recovery.

City Attorney Thompson reported the damages totaled just under \$40,000 and the City, through ABAG, paid the \$5,000 deductible and continues to pursue the owner and driver of the vehicle causing the damage for reimbursement of all costs. We should see a close out of this matter shortly.

**M/S Franzella/Ruane** to approve this item and passed with a unanimous vote.

**5. PUBLIC HEARINGS:** (Notices have been published, posted, and mailed.)

- a. Hold public hearing and adopt resolution-approving amendment to the City of San Bruno Classification Plan to update job description for **Deputy Public Works Director**.

**Mayor Franzella** opened the public hearing; however, no one wished to speak on this item.

**M/S Ibarra/Ruane** to close the public hearing and passed with a unanimous vote.

**Councilmember Ibarra** introduced the resolution for adoption with a roll call vote of all ayes.

- b. Hold public hearing, waive first reading, and introduce Ordinance No. 1699, an ordinance of the City of San Bruno, adding new Chapter 6.14 **Juvenile Daytime Curfew** to Title 6 (Public Peace, Morals and Welfare) of the San Bruno Municipal Code.

Police Lieutenant Hanlon provided the staff report and a follow-up of the issues brought to the City Council in August 2004. The City of San Bruno is the only City served by the San Mateo Union High School District who has not enacted such an ordinance. Truancy is 10% at one local high school and 18% at another. The purpose of this ordinance is to reduce those rates and the police will use it as a tool to do just that.

**Councilmember Ibarra** said this is a great ordinance. Some Cities have reported problems at cyber cafes and he asked if San Bruno had establishments where school age children have been congregating? Lieutenant Hanlon responded there are no such sites in San Bruno now; however, once “Tanforan Shopping Mall” reopens, it may become a place for school age children to hang out. This new ordinance is a preventive measure to ensure we don’t have some of the problems other cities have had.

**Councilmember O’Connell** asked what efforts would take place to inform and educate the students and their parents about the effect of this ordinance?

Lieutenant Hanlon replied that contact has been made with both Principals of the two high schools and they are completely supportive. There will be a warning notice given for first time offenders.

**Mayor Franzella** opened the public hearing; however, no one wished to address the Council.

**M/S Ruane/Pallas** to close the public hearing and passed with a unanimous vote.

**M/S Ruane/Ibarra** to waive the first reading and passed with a unanimous vote.

**Councilmember Ruane** introduced the ordinance for adoption with a roll call vote of all ayes.

**6. UNFINISHED BUSINESS:**

**Councilmember Pallas** requested the City Council take a formal position on the San Mateo County City/County Association of Governments (C/CAG) Legislative Priority for 2005 to support lowering the 2/3<sup>rd</sup> super majority for local special purpose taxes.

**Councilmember Pallas** said C/CAG had proposed support to lower the 2/3 majority needed for local special purpose taxes and this would go against the voter approved Prop 13. He wants the San Bruno City Council to go on record to keep the 2/3 majority in place to pass new taxes.

**Mayor Franzella** clarified C/CAG had reviewed their policies for 2005 and gave their legislative advocate direction to watch any proposals that might change the super majority because they may wish to support those changes. It must go to the voters to make a change and the City should not take a position unless it knows what is being proposed. The School District was successful in reducing their voter requirements to 55% for school bonds and there could be something proposed that we might want to support.

**Rose Urbach** of Euclid Avenue said she worked on Prop 13 and the City should take a position against any changes to Prop 13.

**Councilmember O'Connell** said she is the City's representative to C/CAG and any legislation relating to this issue will be brought before the City Council before a vote is taken to support. While Prop 13 was put on the ballot, it did not pass with a 2/3-majority vote but it put a requirement on other initiatives, which it did not meet itself. The instructions given by C/CAG were for special taxes not general fund money. Only Special assessments such as expanding the Senior Center would be considered for less than the 2/3 vote.

**Steve Pieraldi** of Santa Lucia Avenue said while Prop 13 did not pass by a super majority it does ensure taxes are not passed in the future without this super majority. He does not know if a City can take a position without knowing the facts about a specific incident.

**Mayor Franzella** said this is not about Prop 13, any change must go to the voters, and the Council has no authority to make changes.

**Councilmember Pallas** made a motion to have the City always support a 2/3 majority for special purpose taxes. Motion died for a lack of a second.

## **7. CALL FOR, PRESENTATION OF BIDS, and AWARD OF CONTRACT. None**

## **8. COMMUNICATIONS: None**

## **9. STAFF REPORTS:**

- a. City Attorney Thompson recommended the City Council adopt resolution delegating City Attorney **authority to reject government claims** and clarifying settlement authority of City Attorney and City Manager.

**Vice Mayor Ruane** introduced the resolution for adoption with a roll call vote of all ayes.

- b. Finance Director O'Leary recommended the City Council adopt resolution approving the form and authorizing the execution and delivery of a purchase and sale agreement and related documents with respect to the **sale of the seller's Vehicle License Fee Receivable** from the State, and directing and authorizing certain other actions in connection therewith. The City can obtain approximately \$625,000 of total State take-away of VLF revenues (\$695,000), otherwise collectible as late as 2007-08.

**Finance Director O'Leary** gave the staff report to the Council. Last year the State took \$695,000 in VLF fees from the City of San Bruno with a promise to pay the funds back. Relying on the State's promise we may never be repaid. The City could be paid 90% of the monies due now instead of taking the risk and waiting for the State to pay this receivable.

**Councilmember Ibarra** said he believes it is a good deal but it is not clear what the purchase price will be. How close to the \$625,000 would the net proceeds be delivered to the City?

Director O’Leary said the way it is written, the City must received at least the \$624,000 or there will be no deal and we will just wait for the State to repay us sometime in the future. By this Council action, if the proceeds are less than \$624,000 or 90% we will not sell the receivable.

**Councilmember Ibarra** lightheartedly said it is your neck Mr. O’Leary; you’re on record now.

**Vice Mayor Ruane** introduced the resolution for adoption with a roll call vote of all ayes.

- c. Public Works Director Munns recommended the City Council approve the **Expansion of the Citizens Advisory Committee** for Caltrain Preferred Grade Separation and Station Design to include a Member of the Cultural and Arts Commission.

**Public Works Director Munns** gave the staff report and acknowledged the collaboration of Library Services Director Jackson who is the staff liaison to the Cultural and Arts Commission. The new Caltrain station will create a novel gateway into our community and it is important to receive input to the final aesthetics design process. It is proposed to have the Cultural and Arts Commission members select one of their members to serve on the Citizens Advisory Committee for Caltrain Preferred Grade Separation and Station Design.

**Councilmember Pallas** said the staff report states the full City Council supports the grade separation project and he did not support it due to the cost. Director Munns responded the sentence was not written correctly.

**M/S Ruane/Ibarra** to concur with staff recommendation and passed with unanimous vote.

## **10. REPORT OF CITY ATTORNEY - RESOLUTIONS & ORDINANCES: None**

## **11. PUBLIC COMMENT ON ITEMS NOT ON AGENDA:**

**Rose Urbach** of Euclid Avenue wants to make sure the Council will discuss returning the Council Chambers to the City Hall location. She feels more citizens would attend Council meetings if the City Hall location were used.

## **12. REPORT OF COMMISSIONS, BOARDS, & COMMITTEES:**

**Caltrain Council Ad Hoc Committee** (Ruane/Ibarra) presented oral report to update City Council on activities of the Citizens Advisory Committee on Caltrain Grade Separation and Station Design.

**Co-Chair Ruane** reported on the activities of the Advisory Committee which included limiting trucks from turning from south bound 1<sup>st</sup> Avenue to west bound Angus Avenue, Curb designs for the San Mateo Avenue realignment, pedestrian stairs and platforms, and drive way access. The next meeting will be Thursday, February 24, and we will bring up urban design. Meetings are open to the public.

**Councilmember Ibarra** said the committee has had a sneak preview of what the station and design will look like. The committee members take their work very seriously and look at every detail such as pedestrian, vehicle, and bicycle mobility.

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**Public Works Director Munns** indicated the next meeting location has been changed from Belle Air School to City Hall Conference Room 115 due to the Presidents Day Holiday being observed by the School District. The date and time of meeting will remain the same.

**13. NEW BUSINESS: Closed Session:** As requested under agenda item number 2., closed session regarding a threat of litigation from a project applicant. No reportable action was taken.

**14. ADJOURNMENT:**

With no further business to transact at 7:45 p. m. the meeting adjourned to the next regular City Council meeting of Tuesday February 22, 2005, 7:00 p.m. at the Senior Center, at 1555 Crystal Springs Road.

Respectfully submitted for approval  
at the regular City Council meeting  
of February 22, 2005

Ed Simon, City Clerk

Larry Franzella, Mayor